

§1036. Volunteer firefighters

A. It is hereby declared by the Legislature of Louisiana that the fire prevention and suppression services provided by volunteer fire companies are vital to the protection of the safety of the citizens of the state. This Section is intended to present the state fire marshal with a means by which he may elect to provide workers' compensation coverage to volunteer members of fire companies. If the state fire marshal elects to provide workers' compensation coverage to volunteer fire company members, the remedies provided herein shall constitute the exclusive remedy of the volunteer member against the fire company as provided in R.S. 23:1032.

B. The provisions of this Chapter shall apply to claims brought under this Section to the extent that such provisions do not conflict with this Section.

C.(1) The state fire marshal may obtain workers' compensation insurance for fire companies that are not political subdivisions or that are separate from any political subdivision to provide coverage for volunteer members who participate in the normal functions of the fire company.

(2) A person covered under this Subsection is entitled to medical benefits pursuant to R.S. 23:1203, which benefits shall not be subject to a copayment, deductible, or any other method to shift the cost of compensable medical care to the injured volunteer member.

(3) A person who establishes entitlement to temporary total disability benefits, or establishes entitlement to permanent total disability benefits, shall be paid the minimum weekly benefit as determined under R.S. 23:1202, notwithstanding any wages earned by the volunteer member in any other employment or any other provision of law.

D. As used in this Section, unless the context clearly indicates otherwise, the following terms shall be given the meaning ascribed to them in this Subsection:

(1) "Fire company" means any organization established to provide fire prevention and suppression services for the general public.

(2) "Normal functions" means any response to, participation in, or departure from an incident scene, training, meetings, performance of equipment maintenance, or participation in organization functions as authorized by the chief of the fire company.

(3) "Political subdivision" means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

(4) "Volunteer members" means individuals who are carried on the membership list of the organization as active participants in the normal functions of the organization and who receive nominal or no remuneration for their services.

E. Benefits under this Section shall be payable as follows:

(1) No compensation shall be paid for the first week after the injury is received, provided that, in cases where disability from injury continues for six weeks or longer after date of the accident, compensation for the first week shall be paid after the first six weeks have elapsed.

(2) The first installment of minimum weekly indemnity benefits payable for temporary total disability, permanent total disability, or death shall become due on the fourteenth day after the fire company or its insurer has knowledge of the injury or death, on which date all such compensation then due shall be paid.

(3) Installment benefits payable pursuant to R.S. 23:1221(3) shall become due on the fourteenth day after the fire company or its insurer has knowledge of the compensable claim for supplemental earnings benefits, on which date all such compensation then due shall be paid.

(4) Installment benefits payable pursuant to R.S. 23:1221(4) shall become due on the thirtieth day after the fire company or its insurer receives a medical report giving notice of the permanent partial disability, on which date all such compensation then due shall be paid.

(5) Medical benefits payable under this Section shall be paid within sixty days after the fire company, its insurer, or third